



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Easterling

SERIAL NO. **10/044,288**

FILED: **10/24/01**

TITLE: **ERECTILE-NEW**

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

§
§
§
§
§
§
§

EXAMINER: **Hui, San-ming**

GROUP ART UNIT: **1617**

Dear Sir:

This is in response to the Office Action dated 04/07/2004, and, pursuant to 37 C.F.R. 1.136(a), applicant requests a two-month extension of time to respond to such office action, extending the deadline from 07/07/2004 to 09/07/2004. The fee for such extension may be charged to the Deposit Account of the undersigned, **Account No. 50-0894**.

REMARKS AND ARGUMENTS

Applicant expressly cancels Claims 1 - 15 and 18 - 29 as non-elected. Applicant reserves the right to file divisional applications on these canceled claims at a later time.

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al. (Journal of Urology) in view of Chien et al. (U.S. 4,690, 683). Applicant respectfully challenges these rejections.

The courts have put forth a number of secondary factors that are to be considered in